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7

8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. 4163

12 **AMY LYN STEPHENS**  
13 14025 Osage Rd.  
14 Apple Valley, CA 92307

**STATEMENT OF ISSUES**

15 Pharmacy Technician Applicant

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs  
21 (Board).

22 2. On or about November 23, 2010, the Board received an application for a Pharmacy  
23 Technician License from Amy Lyn Stephens (Respondent). On or about October 21, 2010, Amy  
24 Lyn Stephens certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on June 13, 2011.

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6. Section 4300, subdivision (c), states, in pertinent part, that "[t]he board may refuse a license to any applicant guilty of unprofessional conduct. . . ."

7. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

• • • •

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

"(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

• • • •

"(I) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee . . . The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . ."

## REGULATORY PROVISION

8. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Convictions of Substantially Related Crimes)**

3 9. Respondent's application is subject to denial under sections 480, subdivisions (a)(1),  
4 in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
5 convicted of crimes substantially related to the qualifications, functions or duties of a registered  
6 pharmacy technician, as follows:

7 a. On or about May 27, 2009, after pleading nolo contendere, Respondent was convicted  
8 of one misdemeanor count of violating Vehicle Code section 23103(a) [reckless driving], in the  
9 criminal proceeding entitled *The People of the State of California vs. Amy Lyn Stephens* (Super.  
10 Ct. San Bernardino County, 2009, No. 27101JW). The Court sentenced Respondent to two (2)  
11 days in jail and placed her on 36 months of probation. The circumstances underlying the  
12 conviction are that on or about July 5, 2008, Respondent while having a tested 0.07% blood  
13 alcohol content level was driving a motor vehicle at an excessive rate of speed.

14 b. On or about May 13, 2008, after pleading nolo contendere, Respondent was convicted  
15 of one misdemeanor count of violating Penal Code section 484 [theft], in the criminal proceeding  
16 entitled *The People of the State of California vs. Amy Lyn Stephens* (Super. Ct. San Bernardino  
17 County, 2008, No. MVI801113). The Court sentenced Respondent to one (1) day in jail, placed  
18 her on 36 months of probation, and ordered her to stay away from the Target retail store, in Apple  
19 Valley, CA. The circumstances underlying the conviction are that on or about February 24, 2008,  
20 Respondent stole a bottle of Jose Cuervo Tequila from a Target retail store, in Apple Valley, CA.

21 c. On or about January 9, 2008, after pleading nolo contendere, Respondent was  
22 convicted of one misdemeanor count of violating Penal Code section 484(a)/490.5 [theft/retail  
23 merchandise] in the criminal proceeding entitled *The People of the State of California vs. Amy*  
24 *Lyn Stephens* (Super. Ct. San Bernardino County, 2008, No. MVI800052). The Court sentenced  
25 Respondent to nine (9) day in jail, placed her on 36 months probation, and ordered her to stay  
26 away from the Mervyns department store, in Apple Valley, CA. The circumstances underlying  
27 the conviction are that on or about December 27, 2007, Respondent stole a pair of Reebok shoes  
28 valued at \$36.78 from a Mervyns department store, in Apply Valley, CA.



1 Respondent committed acts which if done by a licensee would be grounds for discipline.

2 Respondent violated sections, as follows:

3 a. Sections 490, 4300 and 4301, subdivision (l), on the grounds of unprofessional  
4 conduct, in that on or about January 9, 2008, on or about May 13, 2008 and on or about May 27,  
5 2009, Respondent sustained criminal convictions. Complainant refers to and by this reference  
6 incorporates the allegations set forth above in paragraph 8, subparagraphs a, b and c, inclusive, as  
7 though set forth fully.

8 b. Sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in  
9 that on or about December 27, 2007, and on or about February 24, 2008, Respondent committed  
10 acts involving moral turpitude, dishonest, fraud, deceit, or corruption. Complainant refers to and  
11 by this reference incorporates the allegations set forth above in paragraphs 8 – 11, inclusive, as  
12 though set forth fully.

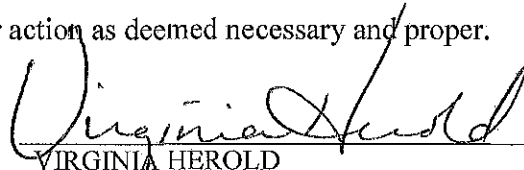
13 c. Sections 4300 and 4301, subdivision (g), on the grounds of unprofessional conduct, in  
14 that on or about October 21, 2010, Respondent knowingly signed her application for licensure  
15 falsely represented her criminal conviction history. Complainant refers to and by this reference  
16 incorporates the allegations set forth above in paragraph 10, inclusive, as though set forth fully.

17 **PRAYER**

18 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
19 and that following the hearing, the Board issue a decision:

- 20 1. Denying Amy Lyn Stephens' Pharmacy Technician License Application; and  
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 1/17/13

23   
24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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